



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 05-3023

Released: November 22, 2005

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL
OF ENVENTIS TELECOM, INC. FROM ALLETE, INC.
TO HICKORY TECH CORPORATION**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-324

Comments Due: December 6, 2005

Reply Comments Due: December 13, 2005

On November 16, 2005, ALLETE, Inc. ("ALLETE"), Minnesota Power Enterprises, Inc., ("MP Enterprises") and its subsidiary Enventis Telecom, Inc. ("Enventis"), and Hickory Tech Corporation ("Hickory Tech") (collectively, the "Applicants"), filed an application, pursuant to section 63.04 of the Commission's rules,¹ seeking approval to transfer control of Enventis from ALLETE to Hickory Tech.²

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(ii) of the Commission's rules because at the completion of the transaction: (1) Hickory Tech, together with all of its affiliates, will have a market share in the interstate, interexchange market of less than 10 percent; (2) Hickory Tech will provide competitive telephone exchange services exclusively in geographic areas served by a dominant carrier that is not a party to the transaction; and (3) the Applicants are a dominant carrier, Hickory Tech, and a non-dominant carrier, Enventis, that provides services exclusively outside the geographic areas where the dominant carrier is dominant.³

Enventis, a Minnesota corporation, offers fiber optic communication and advanced data

¹ 47 C.F.R. § 63.04; *see* 47 U.S.C. § 214.

² Applicants are also filing an application for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

³ 47 C.F.R. § 63.03(b)(2)(ii).

services to businesses and communities primarily in Minnesota, Wisconsin, and select communities in Iowa, North Dakota, and South Dakota.⁴ Enventis is a wholly-owned subsidiary of MP Enterprises, a Minnesota corporation, which is in turn a wholly-owned subsidiary of ALLETE d/b/a Minnesota Power, a Minnesota corporation.

Hickory Tech, a Minnesota corporation, provides competitive local service, long distance, Internet, information solutions, and enterprise solutions.⁵ Hickory Tech is a publicly traded corporation of which no individual or entity owns 10% or more of its equity.

The Applicants executed a Stock Purchase Agreement for the transfer of all outstanding capital stock of Enventis from MP Enterprises to Hickory Tech on November 9, 2005.

Applicants state that the proposed transaction is in the public interest, convenience and necessity because it will be transparent to the subscribers and the subscribers will benefit from expanded service offerings.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before December 6, 2005 and reply comments on or before December 13, 2005.**⁶ Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31st day after the date of this notice.⁷ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁴ Enventis' services in Iowa are limited to Mason City; services in North Dakota are limited to Grand Forks and Fargo; and services in South Dakota are limited to Sioux Falls. Services in Iowa, South Dakota, and North Dakota are provided via resold private lines. Enventis does not have any facilities in these locations. In addition, Enventis provides VoIP services, long distance, and Internet access via resold private lines to remote offices of its Minnesota and Wisconsin customers, which are located in New York, California, Florida, Georgia, Pennsylvania, Washington, Kansas, and Texas.

⁵ Hickory Tech's service area in South Dakota is limited to West Hawarden and West Akron on the South Dakota/Iowa border, and does not overlap or adjoin with Enventis' service area in South Dakota. Hickory Tech does not provide service in, or adjacent to, Mason City, Iowa, and does not overlap or adjoin Enventis' service area in Iowa.

⁶ See 47 C.F.R. § 63.03(a).

⁷ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Adam Kirschenbaum, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C211, Washington, D.C. 20554; e-mail: adam.kirschenbaum@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Adam Kirschenbaum at (202) 418-7280.

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